UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,336	01/30/2004	Doo-hee Lee	Q78934	5229

23373 7590 10/06/2008

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
PARRA, OMAR S	

ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
10/06/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/767,336	LEE, DOO-HEE	
	Examiner	Art Unit	
	OMAR PARRA	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments filed 06/17/2008 have been fully considered but they are not persuasive.

In response to applicant's argument (Remarks section 1A) that Kempisty (US 7,109,974) does not teach "a set-top box operable to receive function control instructions from a remote controller", the examiner respectfully disagrees. Applicant argues that if function control instructions are received by the device from the remote control then the device will not transmit function control instructions to the remote control, this is incorrect. Kempisty teaches transmitting instructions from the remote control device 7 to the IRD 16, col. 5 lines 55-64. The IRD 16 then transmits OSD parameters and instructions to the remote device 7, col. 6 lines 54-59; col. 7 lines 12-15. Nowhere does Kempisty teach only transmitting data from the IRD 16 to the remote device 7 when control instructions are input manually at the IRD 16.

In response to applicant's argument (Remarks section 1B) that Kempisty (US 7,109,974) does not teach extracting a key code from the instruction sent from remote control device 7 to IRD 16 then transmitting the key code back to remote device 7, the examiner respectfully disagrees. As described above Kempisty teaches sending an instruction from remote 7 to IRD 16; IRD 16 determines the OSD parameters associated with that instruction; and transmits the OSD parameters to the remote 7.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims **1-6** are rejected under 35 U.S.C. 102(e) as being anticipated by Kempisty (Patent No. 7,109,974).

Regarding claims 1 and 4, Kempisty teaches a system (with respective method) comprising:

a set-top box **(16, Fig. 3; col. 4 lines 39-55)** operable to receive function control instructions from a remote controller **(col. 5 lines 55-64)**, generate on-screen-display (OSD) information corresponding to the function control instruction **(col. 5 line 65-col. 6 line 44)**, display the OSD information on a first screen **(17, Fig. 1, or 'Display', Fig. 3; col. 5 lines 49-64; col. 6 lines 45-53)** and wirelessly transmit the function control instruction **(col. 6 line 45-col. 7 line 43)**; and

a display device **(7, Figs. 1 and 3)** operable to receive the function control instruction wirelessly transmitted by the set-top box, generate OSD information corresponding to the function control instruction **(col. 1 line 57- col. 2 line 19; col. 3 lines 4-15; col. 9 lines 43-62)**, and display the OSD information on a second screen **(10, Figs. 1 and 3; col. 3 lines 38-53; col. 6 lines 45-53; col. 8 lines 16-53)**.

Regarding claim 2, Kempisty teaches a system (with respective method), wherein the set-top box comprises:

a first signal processor **(In conjunction, tuner and demodulator module 30 and processor 34, Fig. 3)** operable to extract transport streams from broadcast signals, decode the transport streams into video and audio signals, and manipulate the video and audio signals according to the function control instructions **(col. 5 lines 21-35; col. 5 line 65- col. 6 line 17);**

an infrared receiving unit (**38, Fig. 3)** operable to receive infrared key signals from a remote control device and amplify the infrared key signals to a predetermined amplitude **(col. 5 lines 55-64)**;

a first controller **(data processor 28, Fig. 3)** operable to extract a key code that corresponds to the function control instruction from the infrared key signals received from the infrared receiving unit, and output the key code corresponding to the function control instruction to the first signal processor **(col. 5 lines 36-54)**;

a first OSD generating unit **(OSD/video processor 34)** operable to generate OSD information corresponding to the key code generated by the first controller **(col. 5 line 65- col. 6 line 17)**;

a first mixing unit **(mixer 34a, Fig. 3)** operable to mix video signals generated by the first signal processor and the OSD information generated by the OSD generating unit **(col. 6 lines 18-44)**;

a first display unit **(17, Fig. 1, or 'Display', Fig. 3)** operable to display the mixed signals of the video signals and the OSD information received from the first mixing unit **col. 5 lines 49-64; col. 6 lines 18-30 and 45-53)**; and

a transmitting module **(device transceiver 36)** operable to convert the transport streams extracted by the signal processor and the key code extracted by the first controller into radio signals in a predetermined format and transmit the radio signals through different respective channels **(col. 6 line 45-col. 7 line 21)**.

Regarding claims 3 and 6, Kempisty teaches a system (with respective method) wherein the display device comprises:

a receiving module **(user interface 26, Fig. 3)** operable to divide the radio signals received from the transmitting module into the transport streams and the key code **(col. 8 lines 48-64; col. 9 lines 12-62)**;

a second signal processor operable to decode the transport streams received from the receiving module to video and audio signals and manipulate the video and audio signals according to a function control instruction **(video processing circuitry, col. 8 lines 24-30);**

a second controller operable **(processor 18, Fig. 3)**to extract the key code that corresponds to the function control instruction from the radio signals received from the receiving module, and output the key code corresponding to the function control instruction to the second signal processor **(col. 8 lines 38-53)**;

a second OSD generating unit **(OSD processor 22, Fig. 3)** operable to generate OSD information corresponding to the key code generated by the second controller **(col. 8 lines 31-53)**;

a second mixing unit operable to mix video signals generated by the second signal processor and the OSD information generated by the second OSD generating unit **(Given that the OSD information and video data are processed separately, it is inherent a mixer needs to be present for present them simultaneously, in the same way as shown for mixer 34a)**; and

a second display unit operable **(10, Fig. 3)** to display the mixed signals of the video signals and the OSD information generated by the second mixing unit **(col. 8 lines 16-63)**.

Regarding claim 5, Kempisty teaches a method wherein step (a) comprises:

converting the received key instruction to a corresponding key code which is stored in advance **(col. 5 line 65-col. 6 line 17)**;

generating OSD information that corresponds to a function control instruction of the key code while modulating the key code to a radio signal **(col. 6 line 18-col. 7 line 21)**; and

transmitting the modulated radio signal through a channel separate from an audio/video channel **(col. 8 lines 16-53)**.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR PARRA whose telephone number is (571)270-1449. The examiner can normally be reached on 9-6 PM (M-F, every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OP

/Christopher Grant/
Supervisory Patent Examiner, Art Unit 2623